

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

J. D. EVANS, INC., a South Dakota corporation,)	
)	
Plaintiff,)	Case No. 08-4059
)	
vs.)	
)	The Hon. Lawrence Piersol
VOLVO GROUP NORTH AMERICA, INC., a Delaware corporation,)	
)	
VOLVO CONSTRUCTION EQUIPMENT NORTH AMERICA, INC., a Delaware corporation,)	
)	Defendant Ingersoll-Rand Company's Motion for Summary Judgment
VOLVO ROAD MACHINERY, INC. , a North Carolina corporation,)	
)	
INGERSOLL-RAND COMPANY, a New Jersey corporation,)	
)	
Defendants.)	

Pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, Defendant Ingersoll-Rand Company (“IR”) files this Motion for Summary Judgment. As shown in IR’s supporting memorandum of law, no genuine issue of material fact exists and IR is entitled to judgment as a matter of law on all of the causes of action asserted by Plaintiff.

Dated at Sioux Falls, South Dakota this 29th day of September, 2009.

/s/ Eric R. Johnson

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Machinery, Inc. and Ingersoll-Rand
Company*

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2009, a true and correct copy of this document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's ECF system. Parties may access this filing through the Court's system.

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